

# Medical Innovation Bill [HL]

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## EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by Lord Saatchi, the Member in charge of the Bill, are published separately as HL Bill 4 – EN.

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**B I L L**

TO

Make provision about innovation in medical treatment.

**B**E IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

**1 Responsible innovation**

- (1) The purpose of this Act is to encourage responsible innovation in medical treatment (and accordingly to deter reckless irresponsible innovation).
- (2) It is not negligent for a doctor to decide to depart from the existing range of accepted treatments for a condition if the decision is taken in accordance with a process which is accountable, transparent and allows full consideration of all relevant matters. 5
- (3) That process must include—
  - (a) consultation with appropriately qualified colleagues, including any relevant multi-disciplinary team; 10
  - (b) notification in advance to the doctor's responsible officer;
  - (c) consideration of any opinions or requests expressed by or on behalf of the patient;
  - (d) obtaining any consents required by law; and
  - (e) consideration of all matters that appear to the doctor to be reasonably necessary to be considered in order to reach a clinical judgment, including assessment and comparison of the actual or probable risks and consequences of different treatments. 15
- (4) Nothing in this section—
  - (a) permits a doctor to administer treatment for the purposes of research or for any purpose other than the best interests of the patient, or 20
  - (b) abolishes any rule of the common law in accordance with which a decision to innovate is not negligent if supported by a responsible body of medical opinion.
- (5) In this section— 25

- (a) “doctor” means a person listed in the register of medical practitioners under section 2 of the Medical Act 1983;
- (b) “responsible officer” has the same meaning as in Part 5A of that Act; and
- (c) a reference to treatment of a condition includes a reference to its management (and a reference to treatment includes a reference to inaction).

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## **2 Short title, commencement and extent**

- (1) This Act may be cited as the Medical Innovation Act 2014.
- (2) This Act comes into force on the day on which it is passed.
- (3) This Act extends only to England and Wales.

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*Lord Saatchi*

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